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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92056317
Party	Defendant Top Gun Intellectual Properties, LLC
Correspondence Address	MICHAEL F SARNEY MORITT HOCK & HAMROFF LLP 450 Seventh Avenue15th Floor NEW YORK, NY 10123 UNITED STATES msarney@moritthock.com
Submission	Answer
Filer's Name	Michael Sarney
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Signature	/michael sarney/
Date	08/18/2014
Attachments	Top Gun Answer.pdf(90063 bytes)

)	
COCKPIT USA, INC.,)	Cancellation No.: 92056317
)	
Petitioner,)	Registration No.: 2817325
v.)	Mark: TOP GUN
)	
TOP GUN INTELLECTUAL)	
PROPERTIES, INC.,)	
)	
Registrant.)	
)	

Top Gun Intellectual Properties, Inc. ("Registrant") hereby submits this Answer to the Amended Petition for Cancellation filed by Cockpit USA, Inc.'s ("Cockpit" or "Petitioner"), as follows:

1. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 1 of the Amended Petition for Cancellation.
2. Admits, except states that the Registration was assigned on July 13, 2007.
3. Admits.
4. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 4 of the Amended Petition for Cancellation.
5. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 5 of the Amended Petition for Cancellation.
6. Admits that in 1986 Paramount Pictures released a movie entitled "TOP GUN" in which Tom Cruise and other actors wore G-1 jackets similar to G-1 jackets

worn by pilots in the United States Navy Strike Fighter Tactics Instructor Program. Denies information sufficient to form a belief as to whether any G-1 jackets marketed or sold by Petitioner were similar to G-1 jackets worn by actors in the movie entitled "Top Gun," and on that basis denies the same. Denies all remaining allegations set forth in paragraph 6 of the Amended Petition for Cancellation.

7. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 7 of the Amended Petition for Cancellation.

8. Denies.

9. Admits.

10. Denies, except admits that Hod established an online retail outlet at www.topgunstore.com.

11. Denies.

12. Denies.

13. Denies.

14. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 14 of the Amended Petition for Cancellation.

15. Admits that it sent a cease and desist letter to U.S. Wings, Inc. alleging infringement of its rights in the TOP GUN mark and demanding that U.S. Wings, Inc. cease and desist from using the mark TOP GUN. Denies all remaining allegations set forth in paragraph 15 of the Amended Petition for Cancellation.

16. Admits that it sent a cease and desist letter to My Plane, Inc. alleging infringement of its rights in the TOP GUN mark and demanding that My Plane, Inc.

cease and desist from using the mark TOP GUN. Denies all remaining allegations set forth in paragraph 15 of the Amended Petition for Cancellation.

17. Denies.

18. Denies.

19. Denies.

20. Denies.

21. Denies.

22 - 44. On July 26, 2014 the Board struck paragraphs 22-44 of the Amended Petition for Cancellation. Applicant is therefore not required to respond to the allegations set forth in paragraphs 22-44. Notwithstanding the foregoing, in the event that the Board may have intended to strike only paragraphs 22-42, Applicant denies paragraphs 43 and 44 of the Amended Petition for Cancellation in their entirety.

AFFIRMATIVE DEFENSES

1. The Amended Petition for Cancellation fails to state a claim upon which relief can be granted.


2. Petitioner's claims are barred by the equitable doctrines of unclean hands, laches, acquiescence, and estoppel.

Dated: August 18, 2014

Respectfully submitted,

MORITT HOCK & HAMROFF LLP
450 Seventh Avenue, 15th Floor
New York, N.Y. 10123
Tel. (212) 239-2000

By:


Michael F. Sarney

Attorneys for Registrant

CERTIFICATE OF SERVICE


I, the undersigned, Michael Sarney, hereby certified that on the 18th day of August, 2014, I caused to be served a true and correct copy of the foregoing

ANSWER TO AMENDED PETITION FOR CANCELLATION

by e-mail, pursuant to agreement, on:

Catherine S. Campbell, Esq.
RAND ROSENZWEIG RADLY & GORDON, LLP
ccampbell@randrose.com

Attorneys for Petitioner


Michael Sarney